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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 4369/2007

PETITIONER

Abdul Kalam Khan, S/o Lt. Shri A.R. Khan, Aged about 59 years, Range Forest Officer, East Sonpur Range Narayanpur Forest Division, R/o Forest Colony, Sonpur Road, Distt. Narayanpur (C.G)

Versus

RESPONDENT

1. State of Chhattisgarh, through the Secretary, Forest Department, D.K.S. Bhawan, Raipur, Distt. Raipur (C.G)
2. Principal Chief Conservator of Forest, Forest Department, Raipur
3. The Divisional Forest Officer, Raipur Forest Division, Distt. Narayanpur (C.G)
4. B.R. Suryavanshi, Range Forest Officer, West Sonpur Range, Narayanpur, Forest Division, Distt. Narayanpur (C.G)

**WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA**

Appearance:

Shri Kashif Shakeel, counsel for the petitioner.

Shri Ajit Singh, Govt. Advocate for the State/
respondents no.1 to 3 on advance copy.

ORAL ORDER

(31.07.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

Learned counsel for the petitioner argues that the petitioner has been transferred from East Sonpur, Forest Division Narayanpur to West Sonpur, Forest Division Narayanpur. He submits that the Headquarters of both the ranges are at a distance of 190 Kms., and for it a pleading has been taken vide para 6.3 of the petition, which is supported by the affidavit of the petitioner. He refers to Annexure P-3 in this regard and argues that the petitioner is at the verge of

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retirement as his date of birth is 01.6.1948 and he would be retiring on 31st of May 2008. He further submits that according to the transfer policy dated 13.6.2007, particularly according to Clause VII of the said policy, a person who is to retire within a period of one year has to be posted in his home District or in the district of his own choice, if it would be permissible under the General Book Circular. A copy of the said policy has been filed as Annexure P-4. Clause 7 of the transfer policy reads as under:

“7. जिन शासकीय सेवकों की सेवानिवृत्ति के लिए 1 वर्ष का समय शेष रह गया हो, उन्हें गृह जिले में अथवा उनके विकल्प के जिले में पदस्थ किया जा सकेगा, यदि सामान्य पुस्तक परिपत्र के अनुसार यह अनुज्ञेय हो”

He prays for interference of this Court on these grounds.

After hearing learned counsel for the petitioner as also learned State Counsel and having considered the contents of the petition and the contents of the transfer policy, in the opinion of this Court, ends of justice would be served if a direction is given to the petitioner to file a representation before the concerned authority raising all his grievances especially pertaining to his date of superannuation and on such representation being filed, the concerned authority is directed to dispose of the same as early as possible.

Accordingly, this petition is disposed of with a direction that the petitioner, if so advised, may file a detailed representation in this regard alongwith a copy of this order, and copy of this petition before the concerned authority and if such a representation is filed within a period of 15 days from today, the same shall be disposed of within a period of two months from the said date, by the said authority considering the grounds particularly the ground of superannuation of the petitioner.

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It is also directed that in the meanwhile, the transfer order shall be kept in abeyance and the petitioner shall be allowed to continue at his present place of posting.

With the aforesaid directions, the petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

/Rao/